

# **EXHIBIT 4**

**Rothstein, James K.**

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**From:** V. David Rivkin <david.rivkin@wg-law.com>  
**Sent:** Thursday, December 10, 2020 1:24 PM  
**To:** Rothstein, James K.  
**Cc:** Eberhart, David R.  
**Subject:** Re: Elastic

[EXTERNAL MESSAGE]

James,  
I certainly don't know first hand, but my strong suspicion is that he would not be available to be deposed before the end of discovery. As I mentioned on our call, if he is still unable to participate in the deposition before fact discovery ends, we would be amenable to a limited extension of discovery to depose him when he is [REDACTED].

Regards,  
David

Sent from my iPhone

On Dec 10, 2020, at 4:19 PM, Rothstein, James K. <jrothstein@omm.com> wrote:

Thank you David. Do you have any indication regarding how long Mr. Saly will be unavailable and/or any update on the likelihood that he will be available to be deposed before the close of fact discovery?

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**From:** V. David Rivkin <david.rivkin@wg-law.com>  
**Sent:** Thursday, December 10, 2020 12:51 PM  
**To:** Rothstein, James K. <jrothstein@omm.com>; Eberhart, David R. <deberhart@omm.com>  
**Subject:** RE: Elastic

[EXTERNAL MESSAGE]

I asked about that. They expect to receive the next certificate soon, and I will forward when they get it.

Best,  
David

WUERSCH & GERING

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**From:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Sent:** Thursday, December 10, 2020 3:48 PM  
**To:** V. David Rivkin <[david.rivkin@wg-law.com](mailto:david.rivkin@wg-law.com)>; Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Subject:** RE: Elastic

David,

Once again, thank you for these. It looks like the latest of these [REDACTED] [REDACTED] expired on 12/7. (DEF050009.) Would you please let us know if there has been another [REDACTED] (and if so, send us a copy), and in the interim, let us know if you know the duration of any new claim of [REDACTED]

Thank you very much.

Regards,  
James

James K. Rothstein  
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**From:** V. David Rivkin <[david.rivkin@wg-law.com](mailto:david.rivkin@wg-law.com)>  
**Sent:** Monday, December 7, 2020 12:51 PM  
**To:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

[EXTERNAL MESSAGE]

David, James,

Attached are copies of [REDACTED]. The redactions are for [REDACTED]. All other info is un-redacted, but produced on an AEO basis.

Best regards,  
David

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**From:** V. David Rivkin  
**Sent:** Sunday, December 6, 2020 2:46 PM  
**To:** 'Eberhart, David R.' <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Cc:** 'Rothstein, James K.' <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

David, James,  
We will get them to you no later than tomorrow (Monday).  
Best,  
David

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**From:** V. David Rivkin  
**Sent:** Sunday, December 6, 2020 11:53 AM  
**To:** 'Eberhart, David R.' <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

Hi David,  
Thanks for this. I will try to get these to you. Let me check with the client and get back to you by tomorrow.  
Best,  
David

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**From:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Sent:** Friday, December 4, 2020 5:51 PM  
**To:** V. David Rivkin <[david.rivkin@wg-law.com](mailto:david.rivkin@wg-law.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

Hi David --

You mentioned on our call that Mr. Saly has supplied [REDACTED] (or the like) from [REDACTED] to floragunn regarding [REDACTED]. Please provide copies [REDACTED]

Sincerely,

David

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**From:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Sent:** Tuesday, December 1, 2020 2:43 PM  
**To:** V. David Rivkin <[david.rivkin@wg-law.com](mailto:david.rivkin@wg-law.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

Hi David --

Thanks for the quick response. We will treat the information as confidential. I don't know whether we would challenge that designation in the future; if we did, we would follow the procedures in the protective order.

Sincerely,

David

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**From:** V. David Rivkin <[david.rivkin@wg-law.com](mailto:david.rivkin@wg-law.com)>  
**Sent:** Tuesday, December 1, 2020 2:13 PM  
**To:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

[EXTERNAL MESSAGE]

Hi David,  
I head back from fg's German counsel. Your proposal is acceptable so long as the information is treated as Confidential as described in Section 7.2 of the protective order, which would, of course, allow disclosure to your client in accordance with 7.2(b) .  
Best regards,  
David

WUERSCH & GERING

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**From:** V. David Rivkin  
**Sent:** Tuesday, December 1, 2020 4:15 PM  
**To:** 'Eberhart, David R.' <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** RE: Elastic

Hi David,  
I will check and get back to you ASAP.

Best,  
David

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**From:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>  
**Sent:** Tuesday, December 1, 2020 4:07 PM  
**To:** V. David Rivkin <[david.rivkin@wg-law.com](mailto:david.rivkin@wg-law.com)>  
**Cc:** Rothstein, James K. <[jrothstein@omm.com](mailto:jrothstein@omm.com)>  
**Subject:** Elastic

David:

We need to update our client on the Saly deposition and our conversation yesterday. We propose to share the following: you informed us that (a) Mr. Saly has been on [REDACTED] from floragunn continuously from March 2020 to the present; (b) his [REDACTED] precludes his deposition in December; and (c) you do not know when [REDACTED] may permit a deposition.

Please let us know whether this is acceptable.

Sincerely,

David

**O'Melveny**

**David R. Eberhart**

[deberhart@omm.com](mailto:deberhart@omm.com)

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